

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

BRITTNEY MAY SIMMS,  
Plaintiff,

v.

DEGGELLER ATTRACTIONS, INC.,  
Defendant/Third-Party Plaintiff,

v.

GEORGE R. ROSEBERRY,  
Third-Party Defendant.

GEORGE P. ROSENBERRY,  
Plaintiff/Counter-Defendant,

v.

DEGGELLER ATTRACTIONS, INC.,  
Defendant/Counter-Plaintiff.

SAMATHA GOAD, a minor, by Jennifer  
Goad, her mother and next friend,  
Plaintiff,

v.

DEGGELLER ATTRACTIONS, INC.,  
Defendant/Third-Party Plaintiff,

v.

GEORGE R. ROSEBERRY,  
Third-Party Defendant.

Case Nos. 7:12-cv-00038  
7:12-cv-00039  
7:12-cv-00161

ORDER

By: James C. Turk  
Senior United States District Judge

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

JAN 02 2013

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

For the reasons set forth in the Memorandum Opinion entered this day, it is hereby

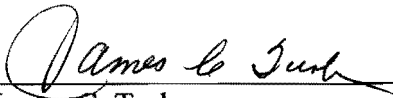
**ADJUDGED and ORDERED**

Disqualify Plaintiffs' Counsel, Roseberry's Motion for Summary Judgment on the Counterclaim or Third-Party Claims, and Roseberry's Motion to Dismiss the Counterclaim or Third-Party Claim Due to Spoliation of Evidence) are hereby **DENIED**:

1. Case No. 7:12cv38, ECF Nos. 34, 38, 40;
2. Case No. 7:12cv39, ECF Nos. 36, 40, 42; and
3. Case No. 7:12cv161, ECF Nos. 26, 30, 32.

The Clerk is directed to send copies of this Final Order and accompanying Memorandum Opinion to all counsel of record.

ENTER: This 2<sup>nd</sup> day of January 2013.

  
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James C. Turk  
Senior United States District Judge